

(Red) Whitton of Pineland on his selection as "Coach of the Year."

S. R. No. 456—By Senator Wilson: Extending congratulations to Jimmy Horn of Snook on his selection as "Coach of the Year."

S. R. No. 457—By Senator Wilson: Extending congratulations to William (Bill) Lane of Daingerfield on his selection as "Coach of the Year."

S. R. No. 458—By Senator Herring: Extending welcome to Girl Scout Troop No. 364 of Brentwood School of Austin.

Adjournment

On motion of Senator Creighton the Senate at 12:54 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

April 8, 1969

S. C. R. No. 56

S. C. R. No. 57

S. C. R. No. 58

FORTY-SIXTH DAY

(Wednesday, April 9, 1969)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Harrington

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Hightower, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Harrington was granted leave of absence for today and the remainder of the week on account of illness in the family on motion of Senator Hightower.

Reports of Standing Committees

Senator Herring submitted the following reports:

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 51, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 384, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 603, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 536, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 250, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 331, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 259, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 423, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 514, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 661, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 630, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 660, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. S. B. No. 660 was read the first time.

Senator Creighton submitted the following report:

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 569, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Brooks submitted the following reports:

Austin, Texas,
April 8, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 718, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROOKS, Chairman.

Austin, Texas,
April 8, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 584, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROOKS, Chairman.

Austin, Texas,
April 8, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 669, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROOKS, Chairman.

Senator Hall submitted the following reports:

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 225, have had the same under consider-

ation, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 167, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District, and Urban Affairs, to which was referred S. B. No. 452, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 80, Recognizing the city of Snyder in Scurry County as the All-America city.

H. C. R. No. 81, In memory of Maurice Angly, Sr.

H. C. R. No. 82, Recognizing Dr. Howard O. Smith of Marlin.

S. C. R. No. 59, Commemorating Girlstown, U.S.A.

All necessary rules suspended, and the Conference Committee report on H. J. R. No. 9 adopted by a vote of 137 ayes, 4 noes.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Bill 735 on First Reading

Senator Herring moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harris	Wilson
Hazlewood	Word

Absent—Excused

Harrington

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 735, A bill to be entitled "An Act amending House Bill No. 127, Chapter 342, Acts of the Forty-ninth Legislature, Regular Session, 1945, as amended, being Article 4442c, Vernon's Texas Civil Statutes, relating to the types of facilities subject to licensing; providing a repealing clause, a savings clause, and declaring an emergency."

To the Committee on Public Health.

Senate Bill 736 on First Reading

Senator Watson moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bridges
Bates	Brooks
Bernal	Christie
Berry	Cole
Blanchard	Connally

Creighton	McKool
Grover	Moore
Hall	Patman
Harris	Ratliff
Hazlewood	Schwartz
Herring	Snelson
Hightower	Strong
Jordan	Watson
Kennard	Wilson
Mauzy	Word

Absent—Excused

Harrington

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Watson:

S. B. No. 736, A bill to be entitled "An Act prescribing the maximum compensation that may be paid the county and district clerks in certain counties; adding a new Section 4a to Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on County, District and Urban Affairs.

Reports of Standing Committees

Senator Hazlewood by unanimous consent submitted the following reports:

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 721, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 651, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Senator Patman by unanimous consent submitted the following reports:

Austin, Texas,
April 8, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred S. B. No. 523, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PATMAN, Chairman.

Austin, Texas,
April 8, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred S. B. No. 522, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PATMAN, Chairman.

Senate Concurrent Resolution 62

Senator Bernal offered the following resolution:

S. C. R. No. 62, Extending congratulations to Tony Moreno on his victory in the National Golden Gloves Tournament.

Whereas, Tony Moreno of San Antonio recently won the championship title in the National Golden Gloves Flyweight Tournament, which was held March 27, 1969, in Kansas City; and

Whereas, Tony was declared unanimously to be the winner in the tournament, and the 19-year-old native San Antonian received red carpet treatment and a hero's welcome when he returned to his home city; and

Whereas, The handsome 111-pound champion now has a record of 50 wins to only 2 losses; in Kansas City he performed notably throughout the competition and his decisive win over Steve Homan in the final round enabled him to become the unanimous choice of judges as victor; and

Whereas, Tony has been active in athletics throughout his life; at Larnier High School he was a cross-country runner and his training and dedication to boxing have now enabled him to reach the amateur's pinnacle of excellence; and

Whereas, Not only is Tony a skilled athlete, but he is also noted for his sportsmanship and fair play; he is a

true gentleman on all occasions; and

Whereas, This fine young athlete is a great credit to the city of San Antonio and the entire State of Texas, and his accomplishments serve as a fine example to the youth of the nation; now, therefore, be it

Resolved by the Senate of the 61st Legislature, the House of Representatives concurring, That the Texas Legislature congratulate Tony Moreno on his outstanding victory in the National Golden Gloves Tournament and wish him continued success in his athletic endeavors; and, be it further

Resolved, That a copy of this Resolution be prepared for Tony Moreno as a token of appreciation from the Legislature of the State of Texas for his worthy achievements.

The resolution was read.

On motion of Senator Bernal, and by unanimous consent, the resolution was considered immediately and was adopted.

Presentation of Guest

Senator Blanchard, by unanimous consent, presented former Senator Kilmer Corbin of Lubbock to the Members of the Senate, and he was extended privileges of the floor for the day.

House Concurrent Resolution 80 on Second Reading

On motion of Senator Ratliff, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 80—Extending congratulations to the City of Snyder on its selection as an All-American City.

The resolution was read and was adopted.

Conference Committee Report on House Joint Resolution 9

Senator Creighton submitted the following Conference Committee Report on H. J. R. No. 9:

Austin, Travis County, Texas,
April 8, 1969.

Hon. Ben Barnes, President of the Senate.

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. J. R.

No. 9, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CREIGHTON
COLE
CHRISTIE
HAZLEWOOD
WATSON

On the part of the Senate.

CLAYTON
MURRAY
ALLEN
FINCK
SWANSON

On the part of the House.

H. J. R. No. 9, Proposing an amendment to Article III, Constitution of the State of Texas, adding Section 49-d-1, broadening the powers of the Texas Water Development Board, increasing the authorized amount of Texas Water Development Bonds, providing for the deposit of bond sale proceeds, providing for a new interest rate limitation on all Texas Water Development Bonds, modifying the conditions and limitations on all financial assistance that may be provided by the Texas Water Development Board from the Texas Water Development Fund, providing obligations and terms that may be entered into by the Texas Water Development Board, providing for the incontestability of Texas Water Development Bonds, providing for anticipatory legislation, providing for submission of the amendment to the voters.

**BE IT RESOLVED BY THE
LEGISLATURE OF THE STATE
OF TEXAS:**

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto a new Section 49-d-1 to read as follows:

"Section 49-d-1. (a) In addition to Texas Water Development Bonds heretofore authorized to be issued by Sections 49-c and 49-d of Article III of the Constitution, the Texas Water Development Board is hereby authorized to issue \$3,500,000,000 in aggregate principal amount of bonds. No part of such additional bonds shall be issued prior to approval thereof by the vote of two-thirds of the elected members of both houses of the Legislature.

"(b) The proceeds from the sale of such bonds shall be deposited in the Texas Water Development Fund.

"(c) The bonds herein authorized and all bonds authorized by such Sections 49-c and 49-d of Article III shall bear such interest and mature as the Texas Water Development Board shall prescribe subject to the limitations as may be imposed by the Legislature.

"(d) The Texas Water Development Fund shall be used for the purposes heretofore permitted by and subject to the limitations in said Sections 49-c and 49-d and in addition thereto for the purposes of developing water resources and facilities for the State of Texas, both within the State of Texas and without the State of Texas. Provided, however, that financial assistance may be made pursuant to the provisions of such Sections 49-c and 49-d subject only to the availability of funds and without regard to the provisions in Section 49-c that such financial assistance shall terminate after December 31, 1982.

"(e) Under such provisions as the Legislature may prescribe, the Texas Water Development Board may receive grants and, in addition, execute contracts with the United States or any of its agencies, other states of the United States, foreign governments and others, for the acquisition and development of such water resources and facilities for the State of Texas. Such contracts when executed may be secured by the general credit of the state, and if so secured shall constitute general obligations of the State of Texas in the same manner and with the same effect as Texas Water Development Bonds. If facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the state's investment. The aggregate principal amount of Texas Water Development Bonds authorized herein and in said Sections 49-c and 49-d shall be reduced by the aggregate of principal payments committed under such contracts constituting general obligations of the state. The provisions hereof shall not be construed to limit the authority of the Texas Water Development Board to execute contracts or issue revenue bonds when such contracts or bonds are not secured by the general credit of the state.

"(f) Texas Water Development Bonds and such contracts secured by the general credit of the state shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of

Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas.

"(g) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be void by reason of their anticipatory character."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on Tuesday, August 5, 1969, at which election all ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment broadening the powers of the Texas Water Development Board and the purposes of the Texas Water Development Fund; eliminating the interest limitations on Texas Water Development Bonds; raising the authorized amount of Texas Water Development Bonds by \$3,500,000,000; extending the maturity schedule on Texas Water Development Bonds; eliminating the procedures for curtailment and the curtailment date of financial assistance to be provided by the Texas Water Development Board."

Sec. 3. The publication of this amendment shall be limited to Sections 1 and 2 of this Resolution.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—28

Aikin	Hazlewood
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Snelson
Creighton	Strong
Grover	Watson
Hall	Wilson
Harris	Word

Nays—2

Herring Schwartz

Absent—Excused

Harrington

House Concurrent Resolution 82 on
Second Reading

On motion of Senator Moore, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 82, Commending Dr. Howard O. Smith of Marlin.

Signed—Lieutenant Governor Ben Barnes, Aikin, Bates, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Snelson, Strong, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Watson, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moore, the resolution was considered immediately and was adopted.

House Concurrent Resolution 81 on
Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 81, Memorial resolution for Maurice Angly, Sr.

The resolution was read and was adopted by a rising vote of the Senate.

House Concurrent Resolution 79 on
Second Reading

On motion of Senator Harris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 79, Commending Mrs. Eugene McDermott for the worthy accomplishments and for her selection as the 1969 recipient of the Zonta Club's 36th Annual Service Award.

The resolution was read and was adopted.

House Resolution on First Reading

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. J. R. No. 3, To Committee on Constitutional Amendments.

House Bill 288 on Second Reading

On motion of Senator Blanchard, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 288, A bill to be entitled "An Act providing for the conveyance by the Chairman of the Board of Directors of Texas Technological College, on behalf of the State of Texas, to the Lubbock County Hospital District of certain lands to be used for a teaching hospital; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Vote

Senator Christie asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 288 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 288 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Nays—1

Christie

Absent—Excused

Harrington

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 24 on Second Reading

On motion of Senator Hightower, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 24, Providing for the continuation of the Texas Surplus Property Agency in the fiscal years 1969-71.

The resolution was read and was adopted.

House Bill 117 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading H. B. No. 117 (the bill having been Set for Special Order at this time):

H. B. No. 117, A bill to be entitled "An Act to be known and cited as the Texas Tort Claims Act, defining certain terms; etc.; and declaring an emergency."

The bill was read second time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend H. B. 117 by adding a new subsection as follows:

Section 14, Sub. (11) Any claim based upon the theory of attractive nuisance for death or personal injuries arising out of a condition or use of water reservoirs, irrigation canals, ditches and drainage ditches and canals and any facilities appurtenant thereto owned and operated by a unit of government in a rural area.

The Committee Amendment was read and was adopted.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend Section 2, Subsection (2) of House Bill 117 by adding the word "lawfully" immediately after the word "tasks" and immediately before the word "assigned."

The Committee Amendment was read and was adopted.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend House Bill 117 by striking all of Subsection (3) of Section 2 and substituting in lieu thereof the following:

"(3) 'Officer, Agent or Employee' shall mean every person who is in the paid service of any unit of government by competent authority, whether full or part-time, whether elective or appointive, and whether supervisory or non-supervisory, it being the intent of the Legislature that this Act should apply to every person in such service of a unit of government, save and except as herein provided. Such definition, however, shall not include an independent contractor or an agent or employee of an independent contractor, or any person performing tasks the details of which the unit of government does not have the legal right to control."

The Committee Amendment was read and was adopted.

Senator Creighton offered the following Committee Amendment to the bill:

Amend Section 3 of House Bill 117 by striking the first two sentences and substituting in lieu thereof the following:

"Sec. 3. Each unit of government in the state shall be liable for money damages for personal injuries or death proximately caused by the negligent act or omission of any officer or employee acting in the scope of his office or employment arising from the operation or use of motor vehicles in those instances where the individual officer or employee would be personally liable to the claimant in accordance with the laws of this State. However, such liability shall not exist under circumstances where such unit of government, as a private person, would not be liable to the claimant in accordance with the law of this State. Such liability is subject to the exceptions contained in this Act and shall not extend to punitive or exemplary damages."

The Committee Amendment was read.

Senator Creighton offered the following Substitute for the pending Committee Amendment to the bill:

Amend House Bill 117 by striking all of Section 3 and substituting in lieu thereof the following:

"Section 3. Each unit of government in the state shall be liable for money damages for personal injuries or death proximately caused by the negligent act or omission of any officer or employee acting in the scope of his office or employment arising from the operation or use of motor vehicles in those instances where the individual officer or employee would be personally liable to the claimant in accordance with the law of this State. However, such liability shall not exist under circumstances where such unit of government, as a private person, would not be liable to the claimant in accordance with the law of this State. Such liability is subject to the exceptions contained in this Act and shall not extend to punitive or exemplary damages. Liability hereunder shall be limited to \$25,000 per person and \$50,000 for any single occurrence for bodily injury or death."

The substitute for the Committee Amendment was read.

(President in the Chair.)

Senator Mauzy moved to table the substitute for the pending Committee Amendment.

Question on the motion to table the substitute for the pending Committee amendment, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Snelson
Cole	Strong
Hall	Wilson
Hightower	

Nays—12

Aikin	Herring
Blanchard	Moore
Creighton	Patman
Grover	Ratliff
Harris	Watson
Hazlewood	Word

Absent

Connally

Absent—Excused

Harrington

Senator Creighton offered the following substitute for the pending Committee Amendment to the bill:

Amend House Bill 117 by striking all of Section 3 and substituting in lieu thereof the following:

"Section 3. Each unit of government in the state shall be liable for money damages for personal injuries or death proximately caused by the negligent act or omission of any officer or employee acting in the scope of his office or employment arising from the operation or use of motor vehicles in those instances where the individual officer or employee would be personally liable to the claimant in accordance with the law of this State. However, such liability shall not exist under circumstances where such unit of government, as a private person, would not be liable to the claimant in accordance with the law of this State. Such liability is subject to the exceptions contained in this Act and shall not extend to punitive or exemplary damages. Liability hereunder shall be limited to \$50,000 per person and \$100,000 for any single occurrence for bodily injury or death."

The substitute for the pending Committee Amendment was read.

Senator Mauzy moved to table the substitute for the pending Committee Amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—16

Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Snelson
Cole	Strong
Hall	Wilson

Nays—13

Aikin	Kennard
Blanchard	Moore
Creighton	Patman
Grover	Ratliff
Harris	Watson
Hazlewood	Word
Herring	

Absent

Connally

Absent—Excused

Harrington

Senator Strong offered the following amendment to the pending Committee Amendment to the bill:

Amend H. B. No. 117, Committee Amendment No. 4 by inserting after the words motor vehicles the words "and motor driven equipment."

The amendment to the pending Committee Amendment was read.

Senator Creighton moved to table the amendment to the pending Committee Amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—25

Aikin	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Watson
Harris	Wilson
Hazlewood	

Nays—5

Bates	Strong
Cole	Word
McKool	

Absent—Excused

Harrington

Question on the adoption of the pending Committee Amendment, Senator Mauzy moved to table the pending Committee Amendment.

The motion to table prevailed by the following vote:

Yeas—16

Mr. President	Bridges
Bates	Brooks
Bernal	Christie
Berry	Cole

Hall	Mauzy
Hightower	McKool
Jordan	Schwartz
Kennard	Wilson

Nays—15

Aikin	Moore
Blanchard	Patman
Connally	Ratliff
Creighton	Snelson
Grover	Strong
Harris	Watson
Hazlewood	Word
Herring	

Absent—Excused

Harrington

The President announced he voted "Yea" on the motion to table.

Senator Creighton offered the following Committee Amendment to the bill:

Amend House Bill No. 117 by striking all of Section 4 and substituting in lieu thereof the following:

"Section 4. To the extent of such liability created by Section 3, immunity of the sovereign to suit, as heretofore recognized and practiced in the State of Texas with reference to units of government, is hereby expressly waived and abolished, and permission is hereby granted by the Legislature to all claimants to bring suit against the State of Texas, or any and all other units of government covered by this Act, for all claims arising hereunder. However, except as changed by this Act, the doctrine of immunity of units of government from suit with respect to matters involving the performance of governmental functions, as heretofore recognized and applied in this State, shall continue in force and be applied by the courts."

The Committee Amendment was read.

Senator Mauzy offered the following amendment to the pending Committee Amendment to the bill:

Amend Senate Committee Amendment No. 5 by striking out the last sentence.

The amendment to the pending Committee Amendment was read.

(Senator Watson in the Chair.)

Senator Creighton moved to table the amendment to the pending Committee Amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

Yeas—13

Aikin	Herring
Blanchard	Hightower
Connally	Patman
Creighton	Ratliff
Grover	Watson
Harris	Word
Hazlewood	

Nays—16

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Snelson
Cole	Strong
Hall	Wilson

Absent

Moore

Absent—Excused

Harrington

The amendment to the pending Committee Amendment was then adopted.

The pending Committee Amendment as amended was then adopted.

(President in the Chair.)

Question—Shall H. B. No. 117 as amended be passed to third reading?

Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 158, A bill to be entitled "An Act to provide that the Commissioner of the General Land Office, on behalf of the State of Texas, or any fund belonging thereto, is authorized to execute agreements that provide for the operation of areas as a unit for the exploration, development and production of sulphur and to commit to such agreements the royalty interests in sulphur reserved to or provided for the State or any fund thereof by law; etc.; and declaring an emergency."

S. B. No. 233, A bill to be entitled "An Act relating to the authorization of policemen of a city, town, or village to perform duties in another city, town, or village, upon request, in an emergency, and to their authority and rights; and declaring an emergency."

S. B. No. 182, A bill to be entitled "An Act amending Title 102 of the Revised Civil Statutes of Texas by adding thereto a new article to be designated Article 6054-1 to authorize the Railroad Commission of Texas to prescribe or adopt safety standards for the transportation of gas and all gas pipeline facilities which are not subject to exclusive federal control; etc.; and declaring an emergency."

S. B. No. 188, A bill to be entitled "An Act amending Section 3, Chapter 53, Acts of the 50th Legislature, 1947, as amended, relating to the Limestone County Road Law; and declaring an emergency."

Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 402, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD
CONNALLY

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred S. B. No. 736, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman
WORD
CONNALLY

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 261, A bill to be entitled "An Act creating an Advisory Council for Technical-Vocational Education to coordinate and develop programs for technical and vocational training in state educational institutions; and declaring an emergency."

(With Amendments.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 464

Senator Hall offered the following resolution:

Whereas, Miss Cathryn Louise Muirhead has been selected the 1969 Maid of Cotton on January 3, 1969; and

Whereas, Miss Muirhead is the seventh girl from Texas to win the national title in the thirty-one-year history of the contest; and

Whereas, The Maid of Cotton is chosen annually to serve as the fashion and good-will ambassadress of the cotton industry; and

Whereas, Miss Muirhead is a sophomore at Texas Woman's University and is majoring in liberal arts; and

Whereas, Miss Muirhead was named "Dallas Model Coed" in 1968 and in Texas Woman's University President's Cabinet, Villagers Club, and the Round Table; and

Whereas, Cathy Muirhead is a graduate of Denton High School in Denton, Texas, where she served as Vice President of the student body; and

Whereas, Miss Muirhead is active in civic affairs and has traveled to several cities in California in cooperation with the Denton Chamber of Commerce to aid in bringing new industry to the growing metropolis; and

Whereas, As Maid of Cotton, Miss Muirhead will travel to thirty American cities, Canada, India, South Korea, the Philippines, Pakistan, and Thailand; and

Whereas, Miss Muirhead travels

with cotton fashions created by some of America's leading designers; and

Whereas, In her role as fashion and good-will ambassadress of the cotton industry, Miss Muirhead appears on numerous television and radio programs, takes part in many civic affairs, and is subject for magazine covers and newspaper features; and

Whereas, We desire to welcome this attractive vivacious, talented and intelligent young lady to the Capitol Building and to the Senate of the State of Texas; now, therefore, be it

Resolved, That the presence of Miss Cathryn Louise Muirhead is recognized, and that she be extended the official welcome of the Senate of the State of Texas.

The resolution was read.

The President announced the appointment of the following as a Committee to escort Miss Muirhead and her party to the President's Rostrum: Senators Hall, Connally, Word and Creighton.

The President presented Senator Hall and he presented the members of Miss Muirhead's party to the Members of the Senate as follows: Her mother, Mrs. Charles Muirhead; her secretary, Miss Kathy Henry; and her tour director, Trudy Weeks and Dr. John Guinn, President of Texas Woman's University.

Senator Hall then presented Miss Muirhead, the 1969 Maid of Cotton, of Denton to the Members of the Senate.

Miss Muirhead addressed the Senate, expressing appreciation for the honor and opportunity of being a guest of the Senate and the privilege of representing the United States and "her own State of Texas."

House Bill 117 on Second Reading

The Senate resumed the consideration of the pending business, same being H. B. No. 117 on its second reading and passage to third reading.

Question—Shall H. B. No. 117 be passed to third reading?

Senator Mauzy offered the following Committee Amendment to the bill:

Amend House Bill 117 by striking all of Section 10 and substituting in lieu thereof the following:

"Section 10. Any and all causes of action brought under the provisions of this Act may be settled and compromised, by the unit of government involved when, in the judgment of the Governor, in the case of the State, and in the judgment of the governing body of the unit of government in other cases, such compromise would be to the best interests of such government. It is specifically provided, however, that such approval shall not be required in those instances where insurance has been procured under the provisions of Section 9 hereof.

The Committee Amendment was read and was adopted.

Senator Creighton offered the following Committee Amendment to the bill:

Amend House Bill 117 by striking Subsection (b) of Section 12.

The Committee Amendment was read.

Senator Mauzy moved to table the Committee Amendment.

Question on the motion to table, "Yeas" and Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—21

Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Schwartz
Cole	Snelson
Grover	Wilson
Hall	Word
Harris	

Nays—8

Aikin	Patman
Connally	Ratliff
Creighton	Strong
Hazlewood	Watson

Absent

Moore

Absent—Excused

Harrington

Senator Mauzy offered the follow-

ing Committee Amendment to the bill:

Amend H. B. 117 by striking Sec. 14, Subsection (8) and substituting in lieu thereof the following:

Sec. 14(8). Any claim arising out of the action of an officer, agent or employee while responding to emergency calls or reacting to emergency situations when such action is in compliance with the laws and ordinances applicable to emergency action.

The amendment was read and was adopted.

Senator Creighton offered the following Committee Amendment to the bill:

Amend House Bill 117 by adding an additional sentence to Section 15 to read as follows:

"Provided further that the individual immunity of such persons shall operate to immunize the unit of government from claims based in whole or in part upon the acts or omissions of such public officers, agents or employees."

The Committee Amendment was read.

Senator Mauzy moved to table the Committee Amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—24

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Cole	Snelson
Connally	Strong
Hall	Wilson
Harris	Word

Nays—5

Creighton	Ratliff
Grover	Watson
Hazlewood	

Absent

Moore

Absent—Excused

Harrington

Senator Herring offered the following amendment to the bill:

Amend Section 3, of H. B. 117, line 36, page 5, by adding after the words "motor driven equipment" the words "other than motor driven equipment used in connection with the operation of flood gates or water release equipment by River Authorities created under the laws of this State."

The amendment was read.

Senator Hall offered the following substitute for the pending amendment to the bill:

Amend House Bill 117 by striking all of Section 3 and substituting in lieu thereof the following:

"Section 3. Each unit of government in the state shall be liable for money damages for personal injuries or death proximately caused by the negligent act or omission of any officer or employee acting in the scope of his office or employment arising from the operation or use of motor vehicles or motor driven equipment in those instances where the individual officer or employee would be personally liable to the claimant in accordance with the law of this State. However, such liability shall not exist under circumstances where such unit of government, as a private person, would not be liable to the claimant in accordance with the law of this State. Such liability is subject to the exceptions in this Act and shall not extend to punitive or exemplary damages. Liability hereunder shall be limited to \$50,000 per person and \$100,000 for any single occurrence for bodily injury or death."

The substitute for the pending amendment was read.

Senator Word offered the following amendment to the pending substitute amendment to the bill:

Amend the pending substitute amendment by placing the word "self-propelled" between the words "or" and "motor" on line 5, Section 3.

The amendment to the pending substitute amendment by Senator Hall was read.

Senator Mauzy moved to table the amendment to the pending substitute.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Bates	Hightower
Bernal	Jordan
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Schwartz
Cole	Snelson
Connally	Wilson
Hall	

Nays—13

Aikin	Moore
Blanchard	Patman
Creighton	Ratliff
Grover	Strong
Harris	Watson
Hazlewood	Word
Herring	

Absent—Excused

Harrington

Question—Shall the substitute for the pending amendment be adopted?

Senator Herring offered the following amendment to the pending substitute amendment to the bill:

Amend the pending substitute amendment, by adding after the words "motor driven equipment" the words "other than motor driven equipment used in connection with the operation of flood gates or water release equipment by River Authorities created under the laws of this State."

The amendment to the pending substitute amendment was read.

Senator Mauzy moved to table the amendment to the pending substitute amendment.

The motion to table was lost.

Question recurring on the amendment to the pending substitute, it was adopted.

Senator Mauzy moved to table the substitute by Senator Hall as amended.

The motion to table was lost by the following vote:

Yeas—14

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Snelson
Cole	Wilson

Nays—16

Aikin	Herring
Blanchard	Hightower
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Strong
Harris	Watson
Hazlewood	Word

Absent—Excused

Harrington

Question recurring on the adoption of the substitute amendment as amended, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

Yeas—16

Mr. President	Hazlewood
Aikin	Herring
Blanchard	Moore
Connally	Patman
Creighton	Ratliff
Grover	Strong
Hall	Watson
Harris	Word

Nays—15

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Snelson
Cole	Wilson
Hightower	

Absent—Excused

Harrington

The President announced that he voted "Yea."

The pending amendment by Senator Herring was then adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. 117 by adding a new Section to be known as Section 19A

to read as follows: "the provisions of the Act shall not apply to school districts."

AIKIN
JORDAN

The amendment was read.

Senator Mauzy moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

Yeas—11

Bates	McKool
Bridges	Schwartz
Brooks	Snelson
Christie	Strong
Kennard	Wilson
Mauzy	

Nays—19

Aikin	Hazlewood
Bernal	Herring
Berry	Hightower
Blanchard	Jordan
Cole	Moore
Connally	Patman
Creighton	Ratliff
Grover	Watson
Hall	Word
Harris	

Absent—Excused

Harrington

Question recurring on the adoption of the amendment by Senators Aikin and Jordan, the amendment was adopted.

Record of Votes

Senators Kennard, Mauzy, Schwartz and McKool asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Creighton offered the following amendment to the bill:

Amend House Bill 117 by striking all of Section 16 and substituting in lieu thereof the following:

"Section 16. Before any unit of government shall be liable to any person or persons for personal injury or death under the provisions of this Act, the person injured or his representative, or in the event the injury results in death, the person

or persons who may have a cause of action under the law by reason of such death injury, shall file a notice in writing, duly verified by affidavit, with the head of such unit of government or the governing body thereof, within six months after such injury or injury resulting in death has been sustained, stating specifically in such written notice where, when and how the injury or death occurred and the apparent extent of such injuries, together with the amount of damages claimed or asserted, the residence address of the claimant at the time the claim is presented, and the names and addresses, if known, of all witnesses upon whom it is relied to establish the claim for damages."

The amendment was read.

On motion of Senator Mauzy the amendment was tabled.

On motion of Senator Mauzy, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then passed to third reading.

Record of Votes

Senators Patman, Hazlewood, Strong, Grover, Watson, Ratliff and Creighton asked to be recorded as voting "Nay" on the passage of the bill to third reading.

Senate Bill 261 With House Amendments

Senator Brooks called S. B. No. 261 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend subsection (c) of Section 7 of Senate Bill 261 by striking the comma after the word, "method," and substituting the word, "and" in lieu of the comma.

Committee Amendment 2

Amend subsections (c), (j), and (k) of Section 7 of Senate Bill 261 by striking the words "Manpower Act of 1965" and substituting in lieu thereof the words "Manpower Development and Training Act of 1962."

Floor Amendment 1

Amend Senate Bill 261, Section 9, by substituting a semicolon for the period on Line 42, and by adding the following language:

"such program approvals shall include all those previously approved including Industrial Arts."

The House amendments were read.

Senator Brooks moved that the Senate concur in the House amendments.

The motion prevailed.

Reports of Standing Committees

Senator Brooks by unanimous consent submitted the following report:

Austin, Texas,
April 8, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 465, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

BROOKS, Chairman.

C. S. S. B. No. 465 was read first time.

Senator Connally, by unanimous consent submitted, the following report:

Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 568, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY, Chairman
BLANCHARD

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 9, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 87, Commending the Ravens of San Jacinto College on an outstanding basketball season.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**House Concurrent Resolution 87
on Second Reading**

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 87, Commending the Ravens of San Jacinto College on an outstanding basketball season.

The resolution was read and was adopted.

**Welcome and Congratulatory
Resolutions**

S. R. No. 463—By Senator Blanchard: Extending congratulations to basketball team of Christ the King High School of Lubbock on an outstanding season.

S. R. No. 465—By Senator Wilson: Commending First Lieutenant Sidney F. Medford of Lufkin on receipt of Bronze Star Medal for heroism in Viet Nam.

Adjournment

On motion of Senator Aikin the Senate at 12:20 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

April 9, 1969

S. B. No. 158

S. B. No. 182

S. B. No. 188

S. B. No. 233